



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 11, 1996

Mr. Mitchell S. Milby
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
City Hall
Dallas, Texas 75201

OR96-0532

Dear Mr. Milby:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 39584.

The City of Dallas (the "city") received a request for a certain arrest investigation report. You inform us that the city has released the first page of the requested report. The city seeks to withhold from required public disclosure the remaining pages of the report pursuant to section 552.108 of the Government Code.

Section 552.108(a) of the Government Code reads as follows:

A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].

Section 552.108(a) excepts from required public disclosure all information related to cases under active investigation except certain basic information ordinarily appearing on the first page of an offense report. *See Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston[14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).¹

¹Section 552.108(a) excepts from required public disclosure information related to inactive or closed cases only when its release would unduly interfere with law enforcement or prosecution. *See* Open Records Decision No. 616 (1993).

You inform us that the requested police report pertains to an open criminal investigation. Consequently, we conclude that the city may withhold from public disclosure the remaining pages of the requested report pursuant to section 552.108 of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Kay Guajardo".

Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 39584

Enclosures: Submitted documents

cc: Mr. Michael Saathoff
4722 McKinney Avenue #215
Dallas, Texas 75205
(w/o enclosures)